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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,096	08/31/2001	Melissa E. DeRosier	4846-001	3163

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EXAMINER	
JARRETT, SCOTT L	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/945,096	DEROSIER ET AL.	
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/4/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-7, 11, 26-27 and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by SociometryPlus by Onlime, Ltd. aspects of which are disclosed in at least the following:

I. SociometryPlus 2.0b – Help Files & Screen Shots (April 2000), hereinafter reference A; and

II. Sociometry.com Web Pages (April 2000), herein after reference B.

Regarding Claims 1, 26 and 32 SociometryPlus teaches a system (single software application) and method for performing sociometric analysis of a group of individuals comprising (reference A: Figures 1-18, Pages 21-29):

- creating a sociometric questionnaire comprising at least one sociometric question, each question including a plurality of potential nominations corresponding to the individuals in the group and each question soliciting at least one nomination from the group (reference A: Pages 1, 4-5; Figures 2-7);

- accepting responses to the questionnaire (reference A: Pages 1, 4-5; Figures 17-18); and

- analyzing and outputting the questionnaire responses to generate a sociometric analysis/report (e.g. Social status index (S) and rank (R) in a group, Positive expansion, Interaction concentration indexes, Positive (+) and negative (-) interrelations indexes, Group sociometric indexes, etc.; reference A: Pages 6-20; Figures 8-12).

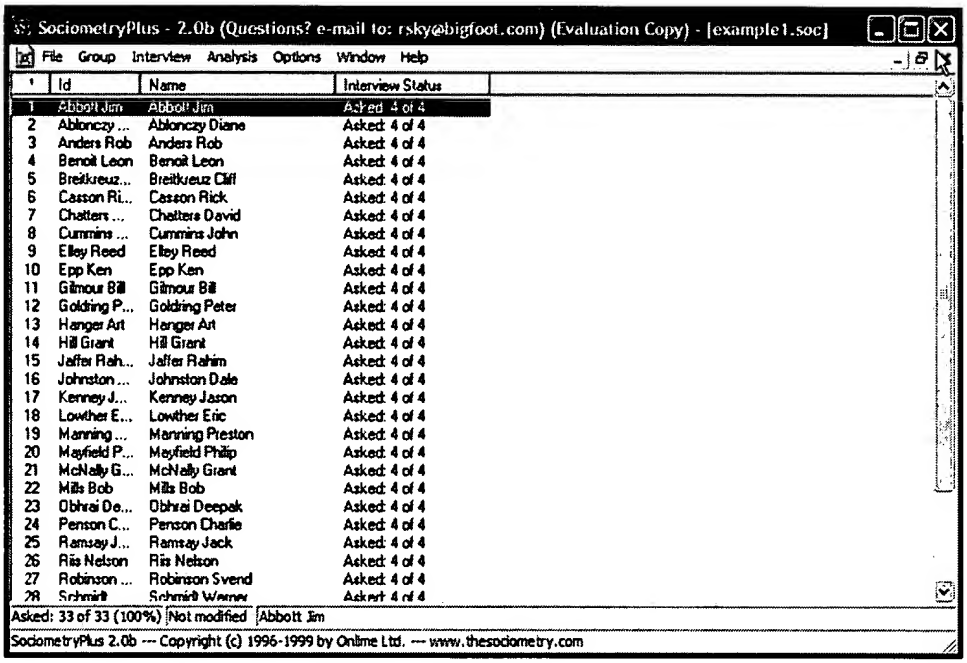

Figure 1: SociometryPlus - Main Screen

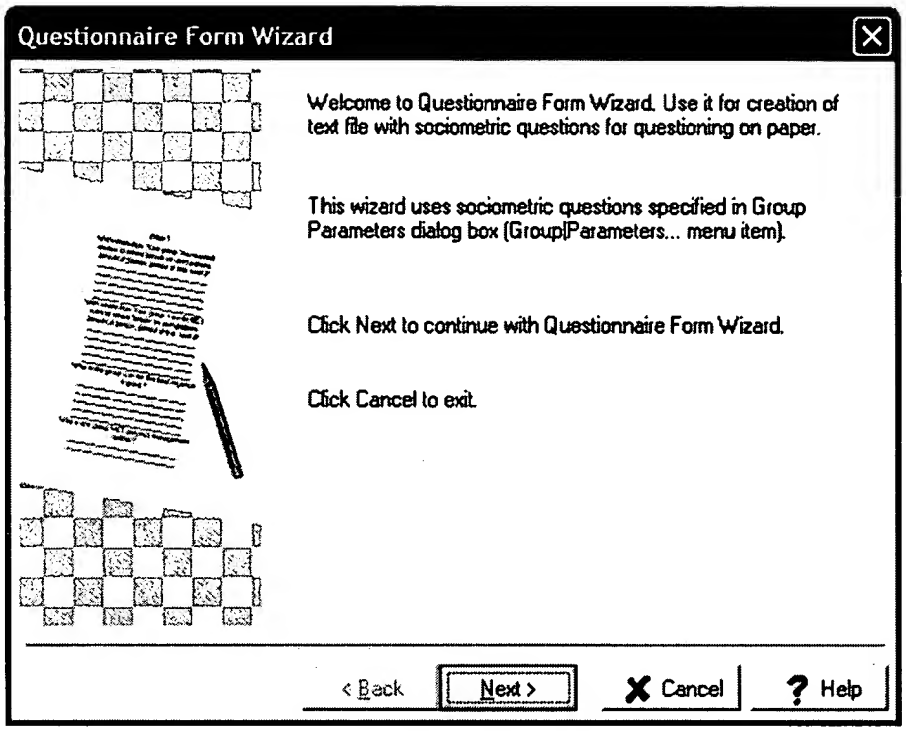

Figure 2: SociometryPlus - Questionnaire Wizard Step 1

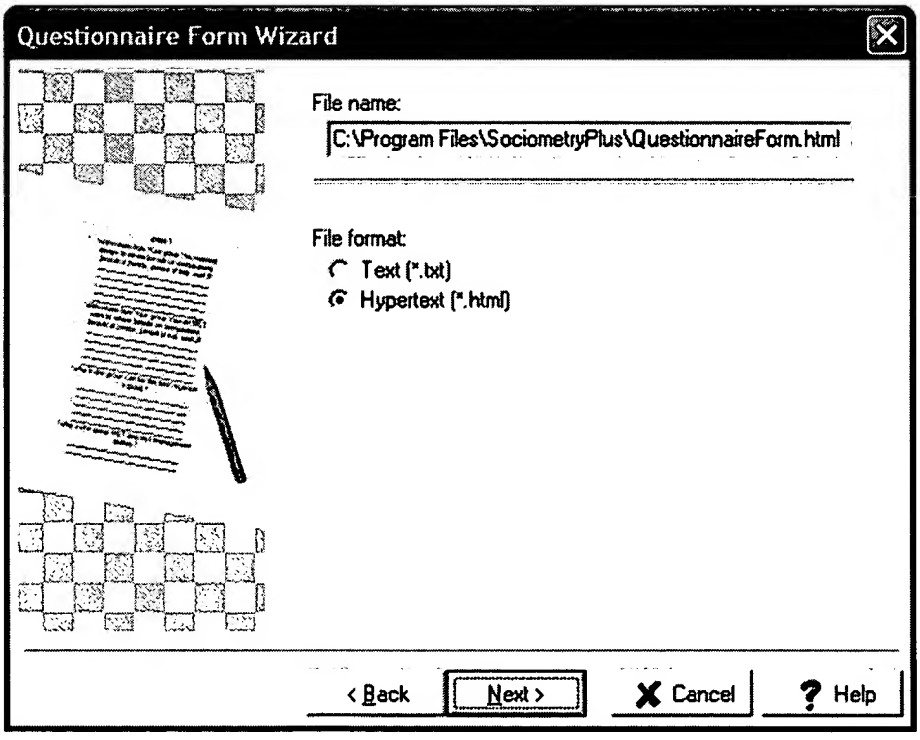

Figure 3: SociometryPlus - Questionnaire Wizard Step 2

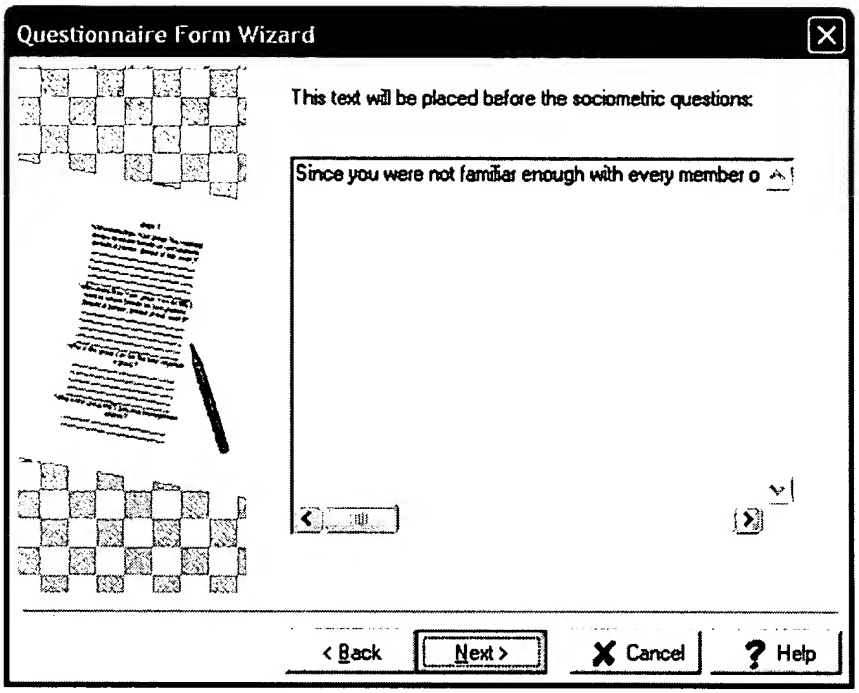

Figure 4: SociometryPlus - Questionnaire Wizard - Enter Sociometric Question(s)

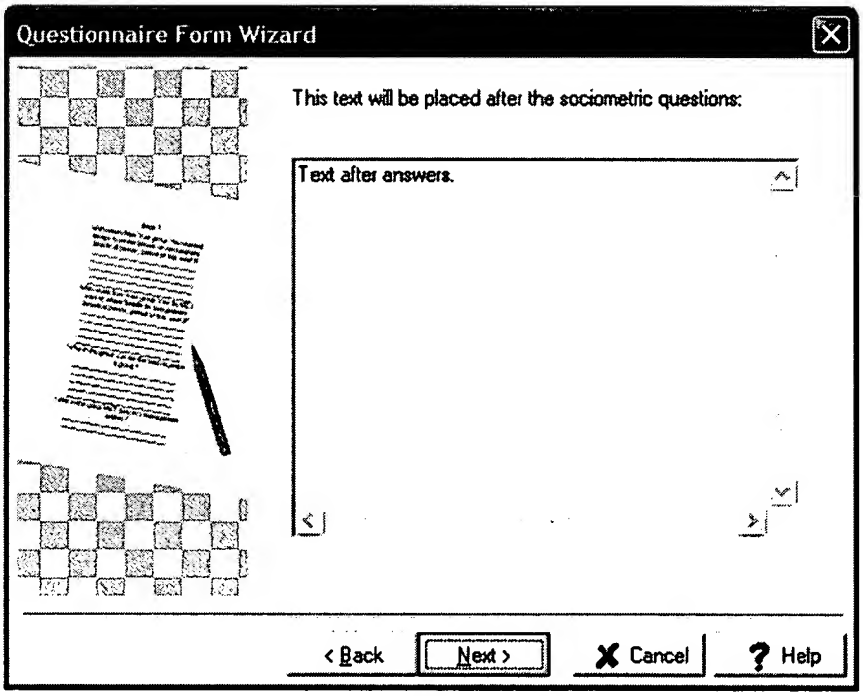

Figure 5: SociometryPlus - Questionnaire Wizard

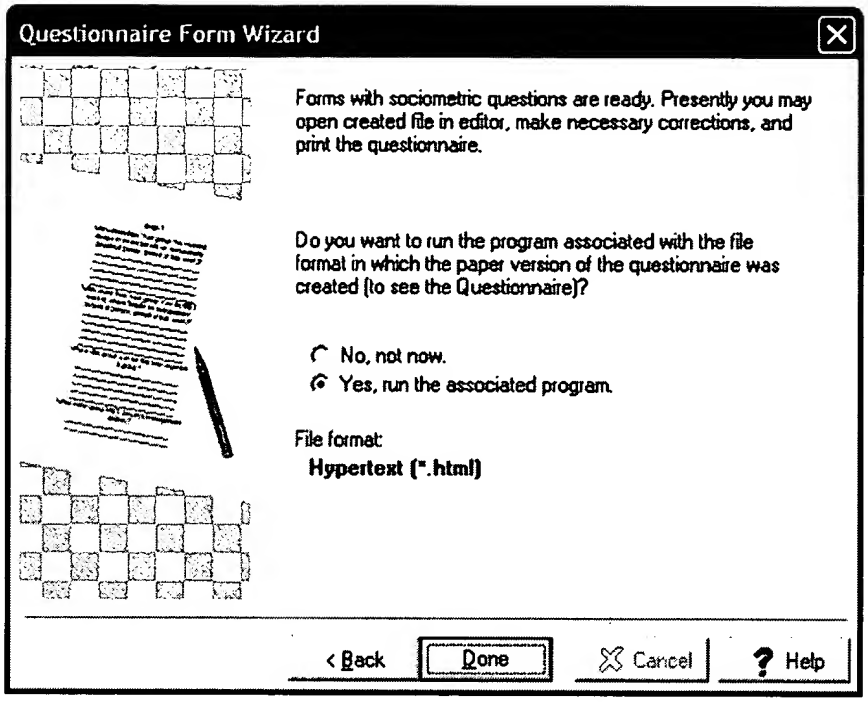

Figure 6: SociometryPlus - Questionnaire Wizard Final Step

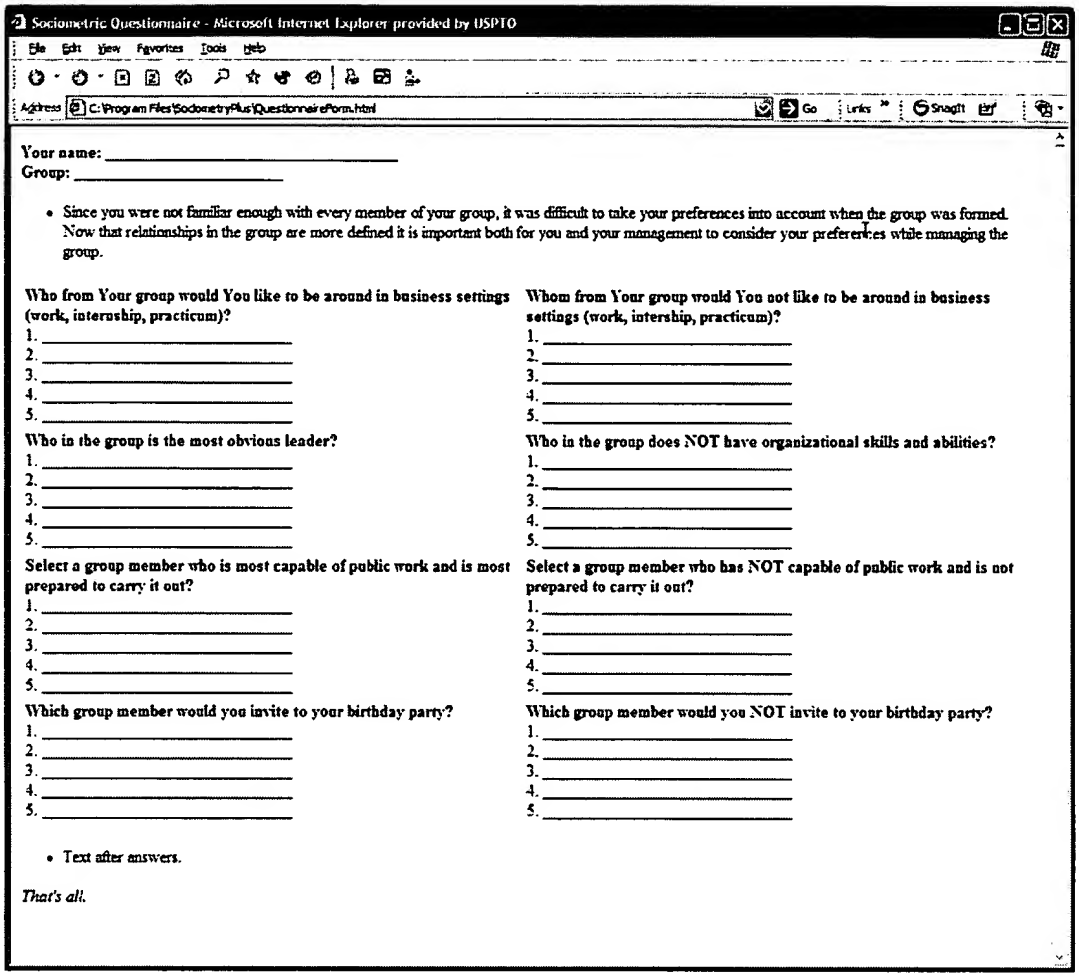

Figure 7: SociometryPlus - Questionnaire Wizard - Generated Questionnaire

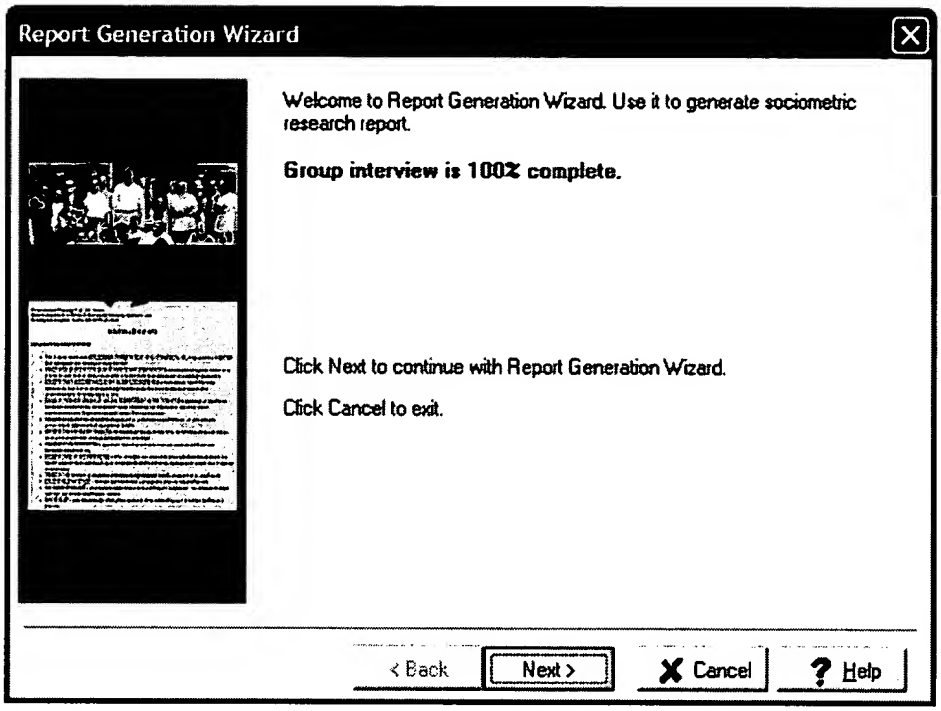

Figure 8: SociometryPlus - Report Generation Wizard Step 1

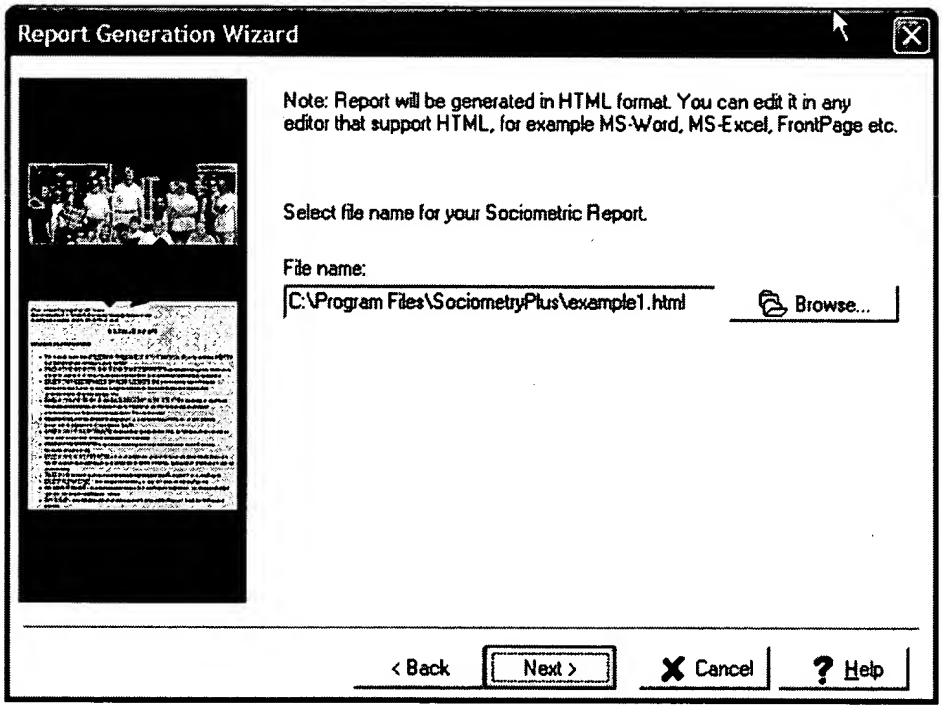

Figure 9: SociometryPlus - Report Generation Wizard Step 2

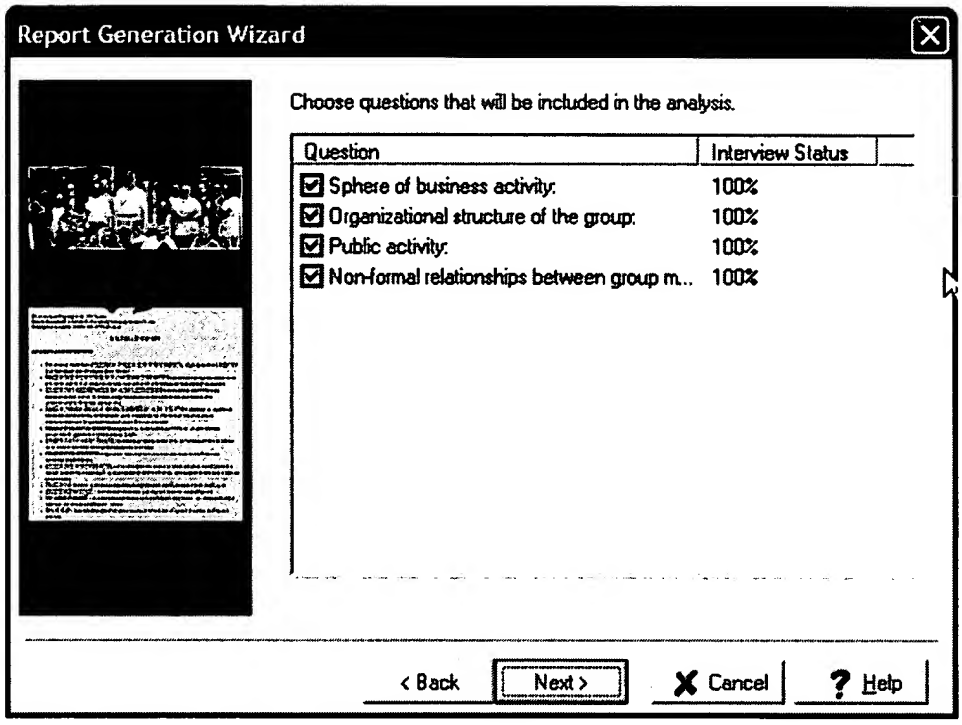

Figure 10: SociometryPlus - Report Generation Wizard Step 3

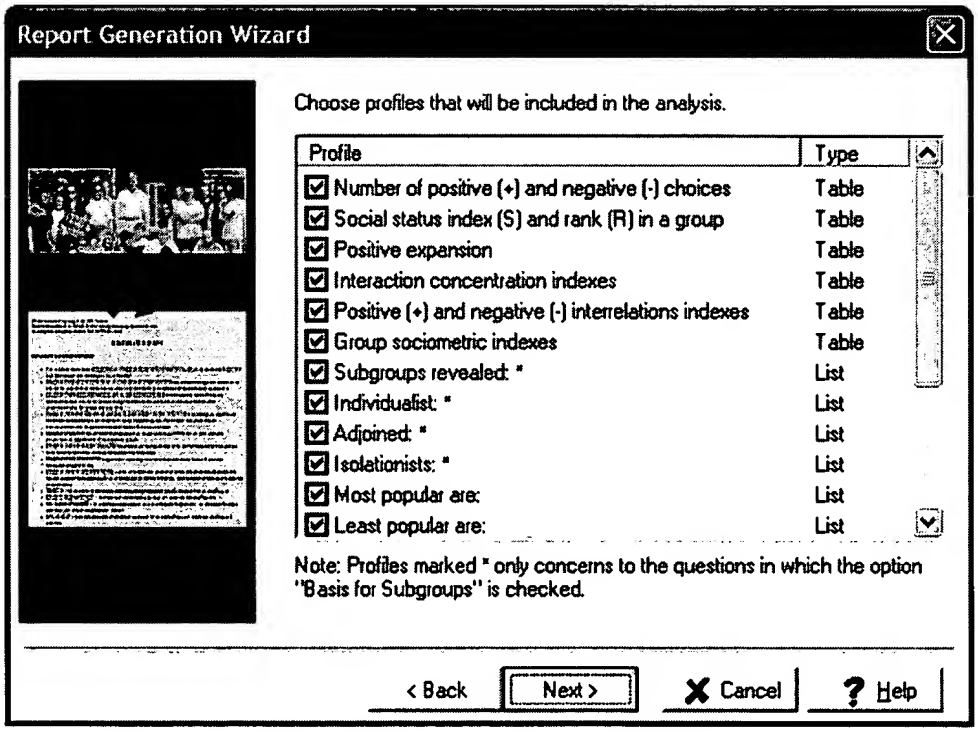

Figure 11: SociometryPlus - Report Generation Wizard Step 4

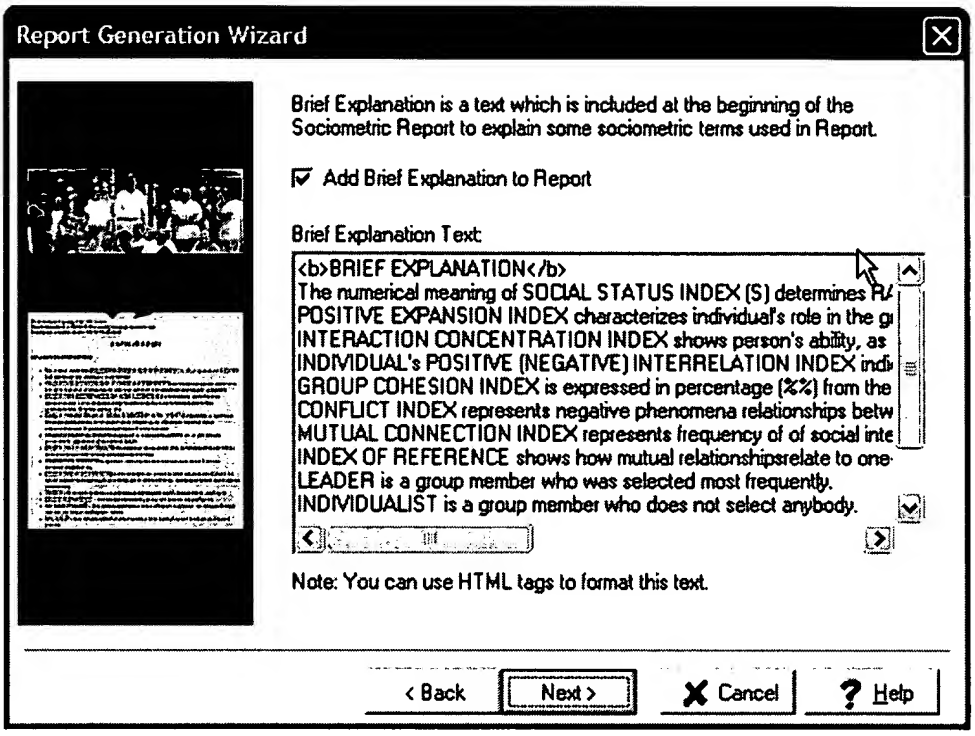

Figure 12: SociometryPlus - Report Generation Wizard Step 5

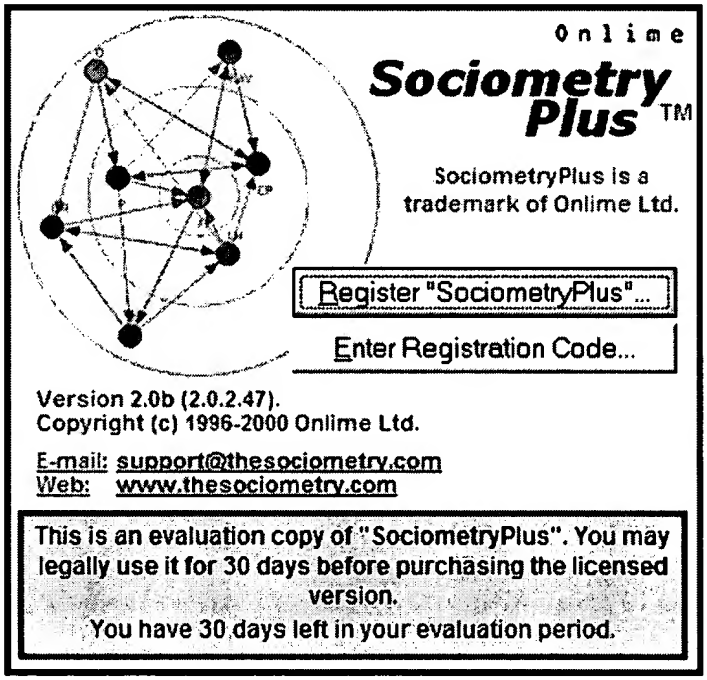

Figure 13: SociometryPlus About

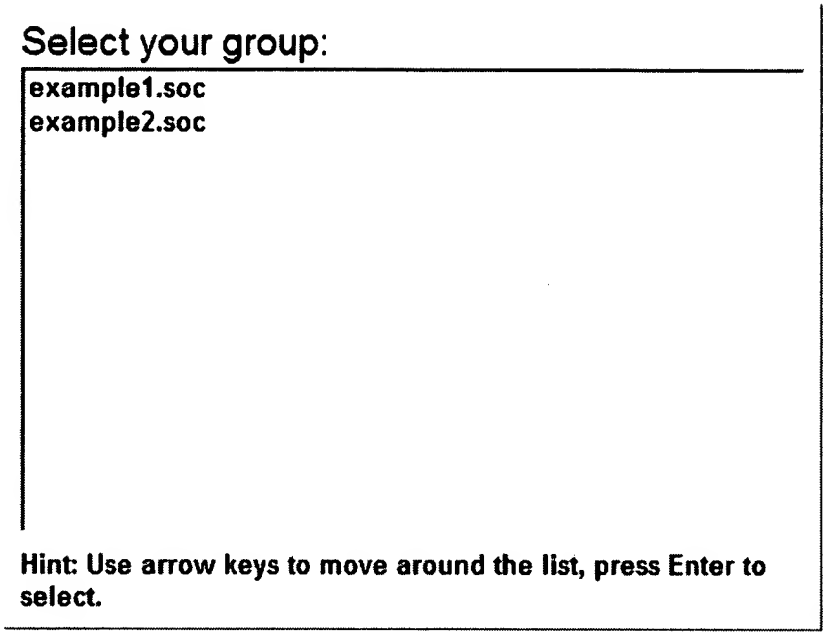

Figure 14: SociometryPlus - Group Interview - Select Group

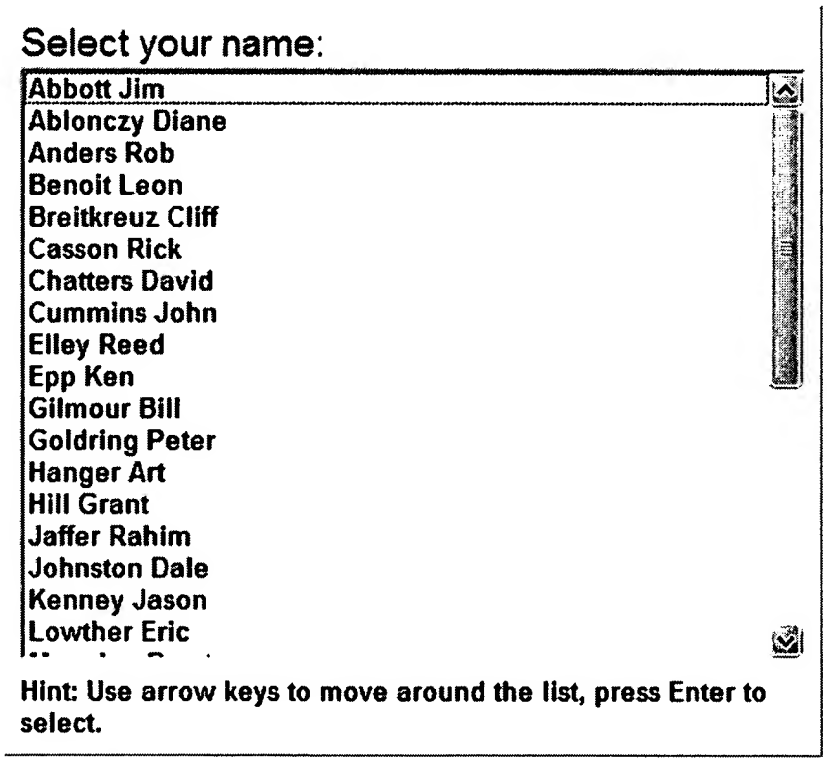

Figure 15: SociometryPlus - Group Interview - Select Interviewee

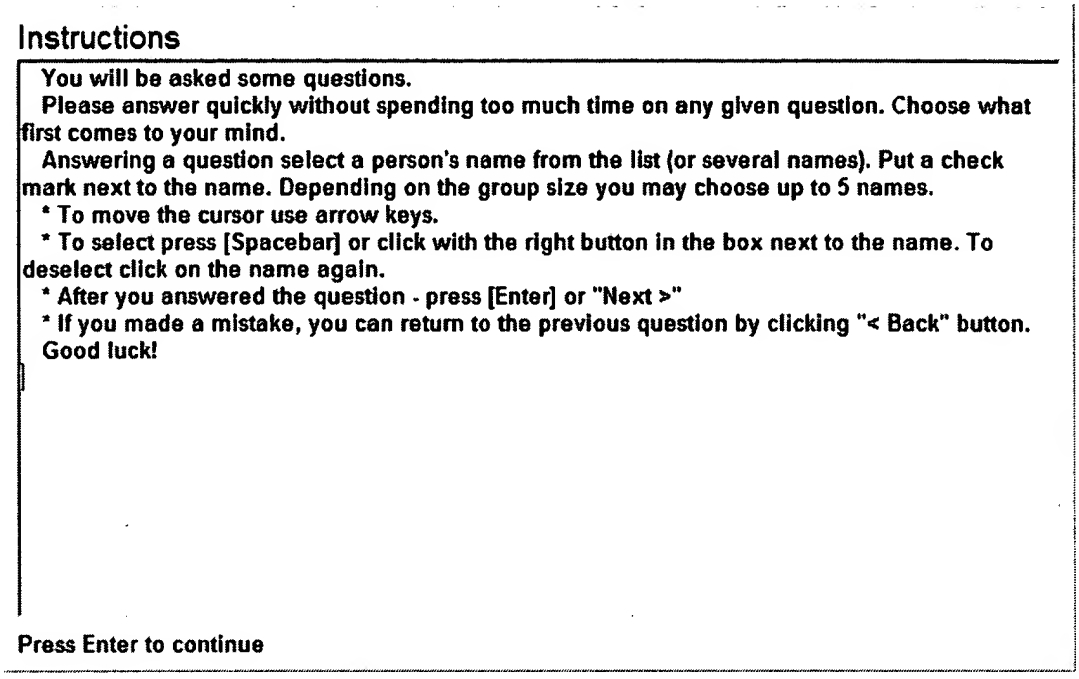

Figure 16: SociometryPlus - Group Interview - Instructions

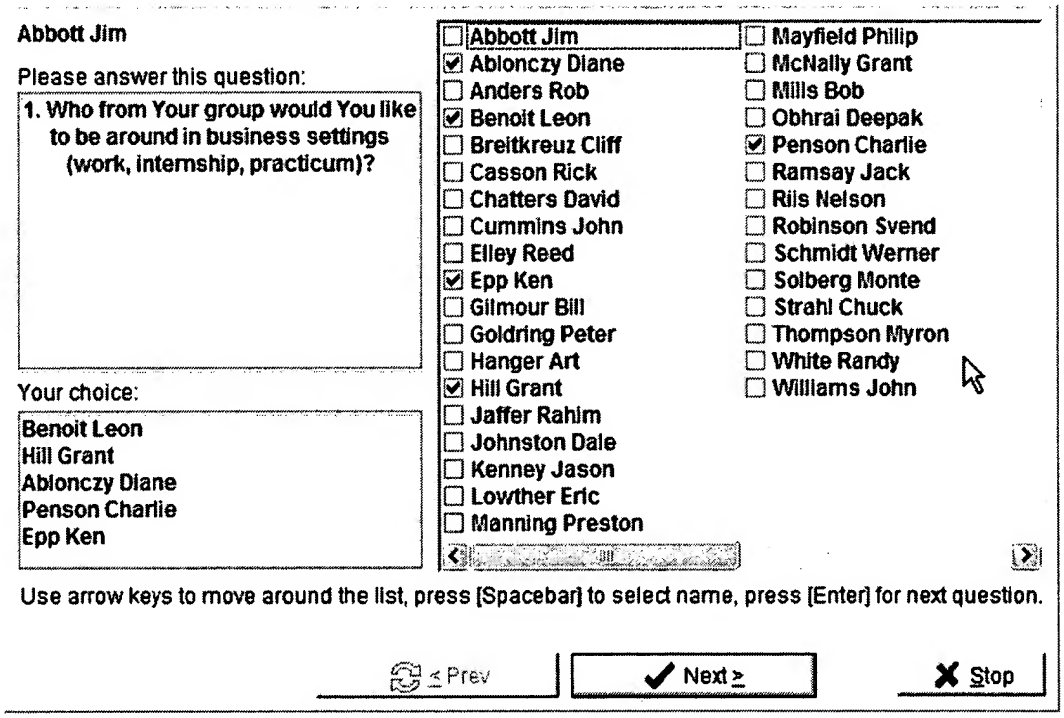

Figure 17: SociometryPlus - Group Interview - example "like" question

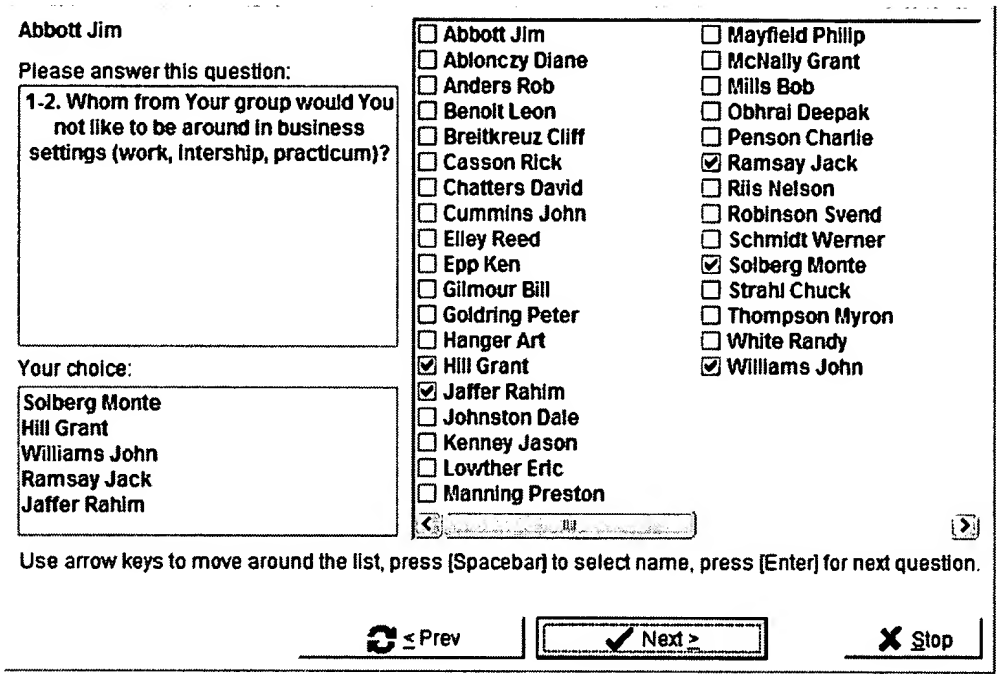

Figure 18: SociometryPlus - Group Interview - example "not like" question

Regarding Claim 2 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein creating a sociometric questionnaire further comprises:

- displaying a plurality of questions to be included in the questionnaire (reference A: Figures 2-7 as shown above; reference B: Pages 1, 11 and 15);

- accepting user selections of the questions (reference A: Figures 2-7 as shown above; reference B: Pages 1, 11 and 15); and

- generating a questionnaire containing the user questions (reference A: Figures 2-7 as shown above; reference B: Pages 1, 11 and 15).

Regarding Claim 4 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein participants can be divided in to groups/subgroups, accepting individual names by subgroup and assigning a unique identified to each individual (reference A: Pages 3, 7; Figures 1 and 14-15 as shown above).

Regarding Claim 5 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein individuals are sorted by first name (reference A: Page 3; Figures 1 and 14-15 as shown above).

Regarding Claim 6 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein all individuals in a group are presented for potential nomination (reference A: Figures 1, 14-15 and 17-18 shown above).

Regarding Claims 7, 27 and 33 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein accepting user responses to the sociometric questionnaire further comprises:

- displaying on a computer screen a replica of the sociometric questionnaire, including the plurality of potential nominations associated with each question (reference A: Page 5; Figures 17-18 as shown above; reference B: Pages 1-3); and

- indicating selected nominations in response to one ore more displayed nominations (reference A: Figures 17-18 as shown above; reference B: Pages 1-3).

Regarding Claim 11 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein analyzing the responses further comprises summing the total nominations an individual received from other individuals for each question and standardizing the sum within the group (e.g. social status index, positive expansion measures are between 0 and 1; reference A: SociometryPlus Report, Pages 8-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 8-10, 12-25, 28-31 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over SociometryPlus by Onlime, Ltd. aspects of which are disclosed in the following:

I. SociometryPlus 2.0b – Help Files & Screen Shots (April 2000), hereinafter reference A; and

II. Sociometry.com Web Pages (April 2000), herein after reference B.

as applied to claims 1-2, 4-7, 11, 26-27 and 32-33 above and further in view of Sherman, Lawrence, Sociometry In The Classroom: How To Do It (October 2000).

Regarding Claim 3 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein the questions solicit nominations (reference A: Pages 1-5; Figures 1-18 as shown above; reference B: Pages 1-3).

SociometryPlus does not expressly teach that nominations are selected from the group consisting of liked most, liked least, is aggressive, is picked on, is teased, is weird, is a friend and is not a friend as claimed.

Sherman teaches collecting nominations for a plurality of customized sociometric questions including but not limited to most liked, least liked, best friends, and the like (Pages 5, 44), in an analogous art of sociometric analysis, for the purposes of diagnosing peer relationships amongst a plurality of individuals and/or identifying at risk individuals (Paragraphs 1 and 4; Page 3).

More generally Sherman teaches the traditional and well known methods for collecting and analyzing sociometric data including: peer nominations/ratings, sociometric ranking, social distance, recognition scale (Page 39), target technique (Pages 12-13) and the like (Pages 1, 12, 17) as well as the generating of a plurality of sociometric measures, some of which are standardized, including but not limited to social distance (pages 41-42), z-scores (e.g. social preference, social impact; Page 40), social status (Page 40), weighted popularity (Page 38); sociograms (Page 5, 12, 38; Figure 4), nominee/nominator matrix (Page 8), personal social distance rating (Page 41, Last Paragraph); bar graphs (Page 10, Figure 3), social ranking (Pages 42-43), and the like.

Sherman further teaches classifying individuals, based on one or more sociometrics, including but not limited to popular, liked more than disliked, disliked more than like, controversial, rejected and neglected (Pages 12-13, 41).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from classifying respondents/individuals into a

plurality of sociometric classifications in view of the teachings of Sherman; the resultant system enabling users to diagnose the peer relationships amongst a plurality of individuals and/or identify at risk individuals (Sherman: Paragraphs 1 and 4; Page 3).

While both SociometryPlus and Sherman teach creating, conducting and analyzing customized sociometric questions in order to classify the plurality of respondents utilizing well known and traditional sociometry techniques neither SociometryPlus nor Sherman expressly teach classifying respondents into is aggressive, is picked on, is teased, is weird, is a friend and is not a friend as categories/classifications as claimed however; these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific labels applied to the sociometric categories. Further, the structural elements remain the same regardless of the specific labels applied to the sociometric categories. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.*

Regarding Claims 8-10 SociometryPlus does not expressly teach performing error checking by re-executing the question(s), comparing the nominations between the

original and re-executed question(s), flagging deterred errors or correcting the detected errors as claimed.

Official notice is taken that error checking by re-executing (re-sampling, re-taking, re-presenting) similar or identical questions during a survey is an old and well known technique wherein users responses can be analyzed to determine such thing as response drift (responses change over time), response inconsistency or the like.

For example surveyors may wish to know (i.e. identify and flag) if an respondent is truly answering the posed questions or simply going through the motions (i.e. selection answers randomly or some pattern just to complete the survey) and potentially ignoring/discounting respondents who exhibit such patterns.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from performing error checking/correction on the sociometric survey in view of the teachings of official notice; the resultant system/method enabling users to identify and potential discount respondents who are not truly answering the questions (i.e. merely going through the motions).

Regarding Claim 12 SociometryPlus does not expressly teach generating first/second-standardized factors (SF1, SF2) computing first/second scores (S1/S2) or standardizing the first/second (SS1, SS2) as claimed.

Sherman teaches generating first and standardized factors (z-scores, liked most, like least, zLM, zLL, social preference, social impact; Pages 40-41); computing a first score by SF1-SF2 (social preference, SP = zLM – zLL (i.e. SF1); computing a second score by SF1 + SF2 (social impact, SI = zLM + zLL; SF2); and standardizing the first and second scores (zLL, zLM, SS1/SS2; Pages 40-42; Figure 18) in an analogous art of sociometrics for the purposes of making it possible to normatively compare scores between groups and/or over time (Paragraph 1, Page 41).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from utilizing a plurality of traditional factors/scores/measures including but not limited to z-scores, social impact or social preference in view of the teachings of Sherman; the resultant system making it possible to normatively compare scores between groups and or over time (Sherman: Paragraph 1, Page 41).

Regarding Claim 13 SociometryPlus teaches a system and method for collecting and analyzing sociometric data wherein respondents are classified into a plurality of sociometric classifications/categories including but not limited to individualist, leader, isolationist and the like. (reference A: Pages 14-20).

SociometryPlus does not expressly teach classifying respondents into the six sociometric classifications utilizing the equations/formulas claimed.

Sherman teaches classifying sociometric survey/questionnaire respondents into at least the following classifications (groups, categories, etc.; Pages 12-13, 40-42; Figures 3 and 18):

- Popular SP> 1, zLM >0, and zLL<0;
- Rejected SP<-1, zLM<0, and zLL>0;
- Neglected SI <-1, zLM=0, and zLL= 0;
- Controversial S I> 1, zLM>0, and zLL>0; and
- Average all others

for the purposes of classifying/grouping and graphing (outputting) individual's classification (Paragraph 1, Page 12).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SocimetryPlus would have benefited from classifying/grouping/identifying/assigning individuals to a plurality of classes/categories based on a one or more sociometric measures including but not limited to social impact and/or social preference in view of the teachings of Sherman; the resultant enabling users to classify/group and output/display each individual's classification (Sherman: Paragraph 1, Page 12).

Neither SociometryPlus nor Sherman teach all of the specific classifications as claimed:

Class 1 (popular)	SS1>1, SF1 <0, and SF2>0;
Class 2 (rejected)	SS1<-1, SF1>0, and SF2<0;
Class 3 (neglected)	SS2<-1, SF1<0, and SF2<0;
Class 4 (controversial)	SS2>1, SF1>0, and SF2>0;
Class 5 (average)	-0.5<SS1<0.5, and –0.5<SS2 <0.5; and
Class 6 (unclassified)	all others.

Official notice is taken that classifying/categorizing respondents into a plurality of categories such as popular, rejected, neglected, controversial, average and unclassified utilizing one or more sociometric parameters, specifically using social preference and social impact, is old and very well known. More specifically classifying respondents "falling" into the middle range of values on a continuous/linear spectrum from popular → neglected as average (typical, common, normal, etc.) is old and well known.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by the combination of SociometryPlus and Sherman with its ability to classify/categorize respondents based on standardized scores/factors/measures into a plurality of categories on a continuum/spectrum from popular to rejected would have benefited from

classifying respondents "falling" into the middle range of values as average (typical, expected, normal, etc.) in view of the teachings of official notice.

Regarding Claim 14 SociometryPlus does not expressly teach indicating the individual least liked/most liked utilizing the generated SF1.

Sherman teaches indicating the least liked and most liked individuals utilizing SF1 (Pages 40-42) in analogous art of sociometry for the purposes of identifying potentially "at-risk" individuals (Page 3, 43).

It would have been obvious to one skilled in the art that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from indicating the most and least liked individuals utilizing a standardized factor in view of the teachings of Sherman; the resultant system enabling users to identify potentially "at-risk" individuals (Sherman: Page 3, 43).

Regarding Claims 15 and 17 SociometryPlus does not expressly teach calculating probability scores for each of the six sociometric classifications indicating the reliability of an individual's classification within a group.

Official notice is taken that indicating the probability score (concordance, correspondence, accuracy, strength/weakness, etc.) of a calculated/determined

measure (metric, value, parameter, score, etc.) to a classification/category is old and well known for providing an indication of the how "close" (well) the score is to the "ideal" (typically, expected) value(s) for that category.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from indicating how closely the classified individual matched the "typical" individual classified in that category (reliability/probability score) in view of the teachings of official notice; the resultant system enabling users to judge (see, view, etc.) how close a match the individual is to the category/profile/classification they are categorized in.

Regarding Claim 16 SociometryPlus does not expressly teach calculating strength scores for each individual indicative of the degree to which an individual's classification is fixed versus fluid.

Sherman teaches the stability (i.e. fluid or fixed) of sociometric measures/classifications in different settings or over time (Page 41) in an analogous art of sociometry for the purposes of understanding how and if the sociometric measure will change/evolve (e.g. "do kids change or maintain their social status as they grow older", Paragraph 1, Page 41).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from determining/calculating strength scores (i.e. stability) for each of the individual's classifications in view of the teachings of Sherman; the resultant system enabling users to ask/answer such questions as "do kids change or maintain their social status as they grow older" (Sherman: Paragraph 1, Page 41).

Regarding Claims 18, 29 and 35 SociometryPlus does not expressly teach detecting and indicating reciprocal nominations.

Sherman teaches detecting and representing mutual choices (i.e. reciprocal relationships/links; Pages 28, 31, 34; Figures 12, 14, 16-17) in an analogous art of sociometrics for the purposes of identifying/detecting and diagnosing peer relationships, friendships and/or social status of individuals in order to identify potentially at risk individuals (Paragraphs 1 and 4; Page 3).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from detecting and indicating reciprocal nominations in view of the teachings of Sherman; the resultant system enabling users to diagnose the peer relationships amongst a plurality of individuals (Sherman: Paragraphs 1 and 4; Page 3).

Regarding Claims 19, 30 and 36 SociometryPlus does not expressly teach detecting and indicating self-nominations.

Sherman teaches detecting and indicating self-nominations/scores (personal social distance; Pages 41-42) in an analogous art of sociometry for the purposes of indicating such things as "that a child is "out-of-touch" with their "Social Reality" (Last Paragraph, Page 41).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from enabling respondents to rate/nominate themselves in view of the teachings of Sherman; the resultant system indicating such things as "that a child is "out-of-touch" with their "Social Reality" (Sherman: Last Paragraph, Page 41).

Regarding Claim 20 SociometryPlus does not expressly teach outputting a scatter plot diagram/chart.

Sherman teaches outputting a scatter plot (chart, diagram, graph, scatter gram, etc.; a graphical representation consisting of ordered pairs possibly showing a relationship between two variable quantities), in analogous art of sociometry for the

purposes of classifying/categorizing respondents based on their sociometric measures (factors, scores, etc.; Pages 12-13; Figure 4).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited generating a graphical representation consisting of ordered pairs possibly showing a relationship between two sociometric scores/factors/measures (scatter plot) in view of the teachings of Sherman; the resultant system enabling users to visualize the classification of respondents based on their sociometric measures (factors, scores, etc.; Sherman: Pages 12-13; Figure 4).

Regarding Claims 21-22 SociometryPlus does not expressly teach representing/highlighting (indicating) selected individuals and/or individuals in subgroups on a scatter plot/diagram.

Sherman teaches generating a scatter plot (sociogram, chart, diagram, graph, scatter gram, etc.; a graphical representation consisting of ordered pairs possibly showing a relationship between two variable quantities), in analogous art of sociometry for the purposes of indicating the classification the individuals/group/subgroups as well as indicating relationships between the individuals/groups/subgroups based on their sociometric measures (factors, scores, etc.; Pages 12-13; Figure 4).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited generating a graphical representation consisting of ordered pairs possibly indicating/highlighting the classifications and interrelations between the plurality of respondents/groups/subgroups in view of the teachings of Sherman; the resultant system enabling users to visualize the classification as well as the interrelationships between the plurality of respondents/groups/subgroups based on their sociometric measures (factors, scores, etc.; Sherman: Pages 12-13; Figure 4).

Regarding Claim 23 Sociometry does not expressly teach utilizing spatial regions within the scatter plot diagram/chart to represent sociometric classifications as claimed.

Sherman teaches utilizing spatial regions within a scatter plot (chart, diagram, graph, scattergram, etc.) in analogous art of sociometry for the purposes of classifying/categorizing respondents based on their sociometric measures (factors, scores, etc.; Pages 12-13; Figure 4).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from utilizing spatial regions (rings) within/on a a graphical representation consisting of ordered pairs possibly showing a relationship between two sociometric scores/factors/measures (scatter plot) in view of the teachings

of Sherman; the resultant system enabling users to visualize the classification of respondents based on their sociometric measures (factors, scores, etc.; Sherman: Pages 12-13; Figure 4).

Regarding Claims 24-25 SociometryPlus does not expressly teach generating a slider bar for one or more sociometric questions wherein the slider bar indicates (represents, locates, etc.) an individual's ranking (score, classification, etc.) with respect to the question (i.e. represents their score on a continuum/scale for the question).

Sherman teaches sociometric collecting and analyzing sociometric ratings utilizing a ratings scale (range, continuum, distance, etc.; Pages 41-42; Figure 18) wherein respondents rate peers from 1-5, the collected ratings are then weighted and standardized so that the scores (ratings, distance) form a continuous range from 1-5 in an analogous art of sociometry for the purposes of providing a score wherein every respondent contributes to each other respondents score (Paragraph 2, Page 42).

It would have been obvious to one skilled in the art at the time of the invention that the method and system for collecting and analyzing sociometric data as taught by SociometryPlus would have benefited from utilizing a plurality of continuous/ranged sociometric measures including but not limited to social distances and/or sociometric rankings in view of the teachings of Sherman; the resultant system enabling users to evaluate individuals sociometrics through a plurality of well known sociometric

techniques and/or utilize a socimetric technique such that every respondent contributes to each other respondents score (Sherman: Paragraph 2, Page 42).

Official notice is taken that representing a continuous value (measure, score, etc.) utilizing a continuum/scale/range via a linear bar/graph (slider bar) is old and well known for providing a convenient mechanism for indicating where on the continuum a value lies.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for collecting and analyzing sociometric data as taught by the combination of SociometryPlus and Sherman with its ability to determine a plurality of sociometric measures including but not limited to continuous measures/scores/ranks would have benefited from displaying/outputting the values of the continuous measures by indicating the measures value/location on a continuum/scale/range (slider bar) in view of the teachings of official notice; the resultant system providing a convenient mechanism for indicating where on the continuum the score lies.

Regarding Claims 28 and 34, Claims 28 and 34 recite similar limitations to Claims 15-17 and are therefore rejected using the same art and rationale as applied in the rejection of Claims 15-17.

Regarding Claims 31 and 37, Claims 31 and 37 recite similar limitations to Claims 20 and 24-25 and are therefore rejected using the same art and rationale as applied in Claims 20 and 24-25.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Holland, James, U.S. Patent No. 4,009,525, teaches a system and method for collecting and analyzing (simulating) peer relationships within groups/subgroups.

- Joao, Raymond, U.S. Patent No. 5,961,332, teaches a system and method for collecting and analyzing psychological data.

- Buffington et al., U.S. Patent No. 6,159,015, teach a method and system for collecting and analyzing (measuring and evaluating) personality traits/modes.

- Walker et al., U.S. Patent No. 6,616,458, teach a system and method for conducting surveys wherein the survey re-tests/re-executes questions (certification questions) in order to measure response inconsistency (i.e. error checking).

- Katz, Leo, A New Status Index Derived from Sociometric Analysis (1953) teaches computing a sociometric status metric by "taking into account not only the number of direct votes received by each individual but also the status of the individual who chooses the first..."

- Lewin et al., Peer Nominations (1976) teach the old and very well known utilization of peer nominations and peer ratings in sociometry.

- Newcomb et al., Children's peer relations (1993) teach "Two-dimensional sociometric models have a critical role in investigating children's peer relationships."

- Massen et al., Nominations, Ratings and the Dimensions of Sociometric Status (1997) teach the well known utilization of a two-dimensional model of sociometric status.

- Bukowski et al., Sociometry Then & Now (1998) teach that "sociometry provides a means by which peer group researchers can conceptualize and measure the interpersonal forces of attraction and repulsion within the peer group system."

- LaFontanna, Children's interpersonal perceptions as a function of sociometric and peer-perceived popularity (1999) teaches the old and well known utilization of popularity measures/research to study the social competence and development of children wherein "Continuous measures of popularity form the bases for the classification of children into sociometric status groups. Children's sociometric status is traditionally measured by asking other children to name the peers they like most and those they like the least, then calculating standard social preference scores (liked most minus liked least votes) and social impact scores (liked most plus liked least voted received..."

- Hundley et al., Children's Relationship with Classmates (1999) teach the common/well known method of defining relationships in terms of mutual/reciprocated friendship nominations wherein sociometric data is collected and analyzed via well known sociometric nominations, sociometric ratings, self-report nominations and the like.

- Phillipsen et al., Relating Characteristics to Children and the Friends to Relational and Over Aggression (1999) teach comparing sociometric ratings, number of friendship nominations and social behavior nominations of mutual friends to peer-nominated relational and overt aggression behaviors wherein sociometric data was collected via questionnaires and utilized a 6-point Likert scale.

- Cadawallader, Sociometry reconsidered (2000) teaches the well-known and wide spread use of sociometric measures (sociometric status, social impact, social preference, etc.) in peer-relations research. Cadawallader teaches that one such method/technique (Roff et al., 1972) uses a common approach of constructing a square survey matrix (chooser-chosen matrix) listing all participants on the axis and generating Liked Most and Least Liked factors/scores/measures.

- Cillessen et al., Recent Advances in the measurement and acceptance and rejection in the peer system (2000) teaches the well known utilization of sociometric systems/methods for collecting and analyzing sociometric data. Cillessen et al. further teach continuous rating scales, the stability of sociometric measures/classifications as well as classifying respondents based on a plurality of sociometric groups into six classifications/categories.

- 3Cprogram Web Pages (2001) teaches the public use and/or sale of a system and method for collecting and analyzing sociometric data (PC Peer Connections) available from the 3-C Institute for Social Development since 1994.

- Sociometry.com Web Pages (April 2001) teaches a system and method for collecting and analyzing sociometric data. More specifically the web pages teach the equations/formulas used to calculate/determine a plurality of sociometric measures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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